

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. On April 26, 2004, the petitioner called DCF to talk about coverage for her dental filling which was to take place in mid-May. The petitioner believed after the phone call that

her fillings would be covered under VHAP. DCF's records show only that the April 26 conversation was about program premiums and coverage overviews not only of the VHAP program but also the Dr. Dynasaur program which does cover fillings.

3. The petitioner notified her dentist that she planned to use VHAP benefits to cover her dental filling and she was told by his secretary that they would accept those benefits and would check themselves with DCF about coverage before providing the filling.

4. The petitioner did have the tooth filled in mid-May. Sometime later she was notified by her dentist that VHAP declined to pay for the filling and that she should pay him \$225 directly. The petitioner has appealed DCF's decision not to pay the bill saying that she was misled into believing that it was a covered service.

ORDER

The decision of DCF is affirmed but DCF is ordered to notify the petitioner's provider that the petitioner is not liable for payment of this bill and may not be billed for it.

REASONS

The VHAP program does not cover any dental services and has not since October of 2003. See P-4005. The Dr. Dynasaur

program does cover such services for children, including the restoration of decayed teeth. See M620. It is not clear who made the mistake during the April 26 conversation regarding both these programs, the worker giving the information or the petitioner interpreting what was told to her. However, it is not necessary to decide who made the error because under DCF's health scheme it is the responsibility of enrolled providers to determine coverage before services are rendered to beneficiaries. If it is not made clear to a beneficiary before the service is rendered that it is not a VHAP covered item, the enrolled provider may not then bill the beneficiary for the cost. M154.

In this case, the petitioner's dentist should have notified her that VHAP would not pay for any dental services prior to the procedure. Since he did not do that, he cannot now charge her for the procedure. The Board has held in the past, and should hold again here, that DCF has an obligation to intervene when a beneficiary is balance-billed by an enrolled provider by notifying the provider that the beneficiary cannot be asked to pay the bill. See Fair Hearing No. 19,033. That is all the relief that the Board may offer to the petitioner in this instance. It may be of little comfort to her since she wants to see the dentist paid for his

services but DCF cannot legally be ordered to pay a provider who has violated its rules for a non-covered service. The decision of DCF not to pay this bill should be upheld.

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